

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on April 4, 2007 at 8:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Jesse Laslovich, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Larry Jent (D)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)

Members Excused:

Sen. Carol C. Juneau (D)
Sen. Dan McGee (R)
Sen. David E. Wanzienried (D)
Sen. Carol Williams (D)

Members Absent: None.

Staff Present: Carol Andersen, Committee Secretary
Valencia Lane, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 353, 3/30/2007; HB 217,
3/30/2007; HB 312, 3/30/2007; HB
712, 3/30/2007; HB 597, 3/30/2007
Executive Action: HB 353, HJ 38, HB 281, HB 217, HB
597, HB 312, HJ 43

HEARING ON HB 353

Opening Statement by Sponsor:

00:00:01 REP. TOM MCGILLVRAY (R), HD 50, opened the hearing on HB 353, Revise recording requirements for electronic search warrants.

Proponents:

00:02:09 Mark Murphy, Chief Criminal Deputy County Attorney, Yellowstone County Attorney's Office

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:04:54 Sen. Shockley to Mark Murphy

00:06:18 Sen. Laslovich to Mark Murphy

00:07:44 Sen. Shockley to Mark Murphy

Closing by Sponsor:

00:10:28 Rep. McGillvray

HEARING ON HB 217

Opening Statement by Sponsor:

00:10:44 REP. MICHAEL LANGE (R), HD 55, opened the hearing on HB 217, Noncustodial parents apply values through foster parents.

Proponents: None.

Opponents: None.

Informational Testimony:

00:14:26 Shirley Brown, Department of Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

00:14:45 Sen. Shockley to Rep. Lange

00:15:19 Sen. Shockley to Shirley Brown

00:16:32 Sen. Laslovich to Shirley Brown

Closing by Sponsor:

00:22:44 Rep. Lange

HEARING ON HB 312

Opening Statement by Sponsor:

00:24:36 REP. MICHAEL LANGE (R), HD 55, opened the hearing on HB 312, Amend constitution to establish parental bill of rights.

Proponents:

00:30:13 Betty Babcock, Former First Lady

00:31:20 Dallas Erickson, Montana Citizens for Decency through Law

EXHIBIT(jus72a01)

00:32:21 Former Rep. Gilda Clancy, representing Rachael Roberts, Montana Family Foundation

Opponents:

00:32:56 Cathy Day, American Civil Liberties Union of Montana (ACLU)

EXHIBIT(jus72a02)

00:35:14 Kathy Bramer, Office of Public Instruction

00:36:43 Beth Brenneman, Montana Advocacy Program

Informational Testimony:

00:38:37 Shirley Brown, Department of Public Health and Human Services(DPHHS)

Questions from Committee Members and Responses:

00:38:57 Sen. Moss to Rep. Lange

00:42:04 Sen. Shockley to Rep. Lange

00:42:20 Sen. Perry to Dallas Erickson

Closing by Sponsor:

00:43:38 Rep. Lange

HEARING ON HB 712

Opening Statement by Sponsor:

00:45:58 **REP. RICK JORE (C), HD 12**, opened the hearing on **HB 712**, Sovereignty protection act.

Proponents:

00:54:28 Dallas Erickson, Montana Citizens for Decency through Law

00:54:50 Gilda Clancy, Montana Eagle Forum

Opponents:

00:55:17 Ginger Aldrich, American Civil Liberties Union of Montana (ACLU)

01:05:38 Travis McAdam, Montana Human Rights Network

Informational Testimony: None.

Questions from Committee Members and Responses:

01:08:15 Sen. Shockley to Rep. Jore

01:13:35 Sen. Moss to Rep. Jore

01:17:39 Sen. O'Neil to Ginger Aldrich

01:20:48 Sen. Curtiss to Ginger Aldrich

01:22:27 Sen. Curtiss to Rep. Jore
01:25:32 Sen. O'Neil to Rep. Jore
01:28:44 Sen. Shockley to Ginger Aldrich
01:32:13 Sen. O'Neil to Ginger Aldrich
01:33:01 Sen. O'Neil to Scott Crichton (ACLU)
01:35:23 Deferred to Ginger Aldrich
01:36:51 Sen. Juneau to Rep. Jore

Closing by Sponsor:

01:41:23 Rep. Jore

HEARING ON HB 597

Opening Statement by Sponsor:

01:44:07 **REP. RON STOKER (R), HD 87**, opened the hearing on **HB 597**, Allow ordinances on obscenities to minors more restrictive than state law.

[EXHIBIT\(jus72a03\)](#)

[EXHIBIT\(jus72a04\)](#)

Proponents:

01:46:49 Dallas Erickson, Montana Citizens for Decency through Law

[EXHIBIT\(jus72a05\)](#)

01:51:01 Gilda Clancy, Montana Eagle Forum

[EXHIBIT\(jus72a06\)](#)

[EXHIBIT\(jus72a07\)](#)

Opponents:

01:52:08 Sen. Dan Harrington

01:53:12 Dan Erving, Montana Association of Theater Owners

01:57:57 Stan Smith, Theater Owner, Dillon

EXHIBIT(jus72a08)

01:58:34 Gary Dupuis, Montana Association of Theater Owners

EXHIBIT(jus72a09)

02:00:38 John Barrows, Montana Newspapers Association

02:01:45 Jacqueline Lenmark, Montana Cultural Advocacy; Montana
Coalition for Free Expression; and Attorney on
Domestic Violence

02:07:13 Aimee Grmoljez, Montana Advocacy Program

EXHIBIT(jus72a10)

02:09:28 Scott Crichton, Executive Director, American Civil
Liberties Union of Montana (ACLU)

EXHIBIT(jus72a11)

EXHIBIT(jus72a12)

Informational Testimony: None.

Questions from Committee Members and Responses:

02:11:39 Sen. Perry to John Barrows

Closing by Sponsor:

02:14:50 Rep. Stoker

EXHIBIT(jus72a13)

02:18:07 Break

02:33:54 Resume

EXECUTIVE ACTION ON HB 353

02:34:39 **Motion:** SEN. SHOCKLEY moved that HB 353 BE CONCURRED IN.

Discussion:

02:34:45 Sen. Shockley

02:35:13 **Vote:** Motion carried unanimously by voice vote 11-0. SEN. WILLIAMS, SEN. JUNEAU, SEN. WANZENRIED, and SEN. MCGEE voted aye by proxy. No proxy for SEN. PERRY. SEN. SHOCKLEY will carry HB 353.

EXECUTIVE ACTION ON HJ 38

02:36:21 **Motion:** SEN. MOSS moved that HJ 38 BE CONCURRED IN.

Discussion:

02:36:18 Sen. Jent

02:37:40 Sen. Curtiss

02:38:37 **Motion/Vote:** SEN. JENT CALLED THE QUESTION ON HJ 38. Motion carried unanimously by voice vote 11-0 . SEN. WILLIAMS, SEN. MCGEE, and SEN. WANZENRIED voted aye by proxy. No proxy for SEN. PERRY. SEN. CURTISS will carry HJ 38.

EXECUTIVE ACTION ON HB 281

02:39:51 **Motion:** SEN. MOSS moved that HB 281 BE CONCURRED IN.

Discussion:

02:39:59 Sen. Shockley

02:40:08 Sen. Juneau

02:40:23 Sen. Jent

02:41:30 Sen. Shockley

02:41:51 Sen. Curtiss

02:42:33 Sen. O'Neil

02:42:49 Sen. Laslovich

02:43:50 Sen. Perry

02:48:01 Sen. Curtiss

02:48:50 Sen. Moss

02:50:25 Sen. Shockley

02:50:30 **Vote:** Motion that HB 281 BE CONCURRED IN failed 5-7 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting aye.

02:51:02 **Motion:** SEN. LASLOVICH moved that HB 281 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON HB 217

02:51:55 **Motion:** SEN. MOSS moved that HB 217 BE CONCURRED IN.

Discussion:

02:52:10 Sen. Jent

02:53:37 **Motion/Vote:** SEN. SHOCKLEY CALLED THE QUESTION ON HB 217. Motion carried unanimously by voice vote. SEN. WILLIAMS, SEN. WANZENRIED, SEN. JUNEAU and SEN. MCGEE voted aye by proxy. SEN. PERRY will carry HB 217.

EXECUTIVE ACTION ON HB 597

02:54:49 **Motion:** SEN. SHOCKLEY moved that HB 597 BE CONCURRED IN.

Discussion:

02:55:03 Sen. O'Neil

02:57:10 Sen. Moss

02:57:38 Sen. Curtiss

02:58:41 Sen. Shockley

02:59:42 Sen. O'Neil

03:00:31 **Substitute Motion/Vote:** SEN. MOSS made a Substitute Motion that HB 597 BE TABLED. Motion carried 8-4 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, and SEN. PERRY voting no.

EXECUTIVE ACTION ON HB 312

03:01:35 **Motion:** SEN. MOSS moved that HB 312 BE CONCURRED IN.

Discussion:

03:02:08 Sen. Shockley

03:02:20 Sen. Moss

03:02:50 Sen. Shockley

03:03:09 Sen. Jent

03:04:30 Sen. Shockley

03:06:04 **Motion/Vote:** SEN. PERRY CALLED THE QUESTION ON HB 312. Motion failed 5-7 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting aye.

03:06:30 **Motion:** SEN. LASLOVICH moved that HB 312 BE TABLED AND THE VOTE REVERSED.

EXECUTIVE ACTION ON HJ 43

03:08:08 **Motion:** SEN. MOSS moved that HJ 43 BE CONCURRED IN.

Discussion:

03:08:29 Sen. O'Neil

03:09:11 Sen. Shockley

03:09:16 Sen. Jent

03:10:23 Sen. Shockley

03:10:28 Sen. O'Neil

03:11:21 Sen. Pease

03:12:24 Sen. Perry

03:13:17 Sen. Shockley

03:13:57 Sen. Perry

03:14:33 Motion/Vote: Motion failed 3-9 by roll call vote with
SEN. CURTISS, SEN. MCGEE, and SEN. O'NEIL voting aye.

03:15:04 Motion: SEN. LASLOVICH moved that HJ 43 BE TABLED AND
THE VOTE REVERSED. Motion carried.

ADJOURNMENT

Adjournment: 11:20 A.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus72aad.pdf](#))